FLORISTS-New No. 241 Mass. ave., 226 N. Del. st. Tel. 840 MANTELS AND GRATES-

P. M. PURSELL (Mantels, Furnaces), 231 Mass. av-

PATENT LAWYERS-V. H. LOCKWOOD, BALE AND LIVERY STABLES-

HORACE WOOD (Carriages, Traps, Buck boards, etc.) 25 Circle. Tel. 1097 H. C. STEVENS, New Style Wall Paper, Low prices, 930 N. Senate ave. Tel. 2 on 2552.

FUNERAL DIRECTORS-FRANK BLANCHARD, 99 N. Delaware st. Tel. 411. Lady Attendant TUTEWILER & SON,

dertakers. 124 W. Market St. Tel. 216. FUNERAL DIRECTORS.

FLANNER & BUCHANAN—(Licensed embaimers.) Can ship diphtheria and scarlet fever. Lady embaimer for ladies and children. 320 North Illinois st. Telephone 41, new and old.

New 250 C. E. KREGELO. FUNERAL DIRECTOR, f. L. WELLS-Associated with C. E. Kregelo 606 College avenue. New 'Phone 1551.

DIED.

OBERTS-Mary M., widow of the late John Roberts, of Brookville, Ind, died at her resi-ence, No. 1616 North Capitol avenue, Tuesday norning. Funeral Thursday, at 2 p. m.

FINANCIAL.

LOANS-Money on mortgages. C. F. SAYLES. 127 East Market street. LOANS-On city property; 5½ per cent.; no com mission; money ready. C. N. WILLIAMS mission; money ready. CO., 319 Lemcke building.

STORAGE.

W. E. Kurtz. Pres. H. A. Crossland, Mgr. E. Kurtz, Pres. H. A. Crossland 517-523 S. Penn. Telephone 1342. We STORE, PACK and HAUL. STORAGE-The Union Transfer and Storage Company, corner East Ohio street and Bec-line tracks; only first-class storage solicited. CHATING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY.

FOR SALE.

FOR SALE-Look out for big auction furniture sale of new goods on Thursday, Dec. 20. LEW FOR SALE-Four-room house; in good repair lso, blacksmith shop, with two forges; price,

WANTED-MALE HELP.

WANTED-Competent telegraphers, to leave city; must bring letters of recommendation. after 9 a. m. at Princeton Hotel, Indian-

wanted-For U. S. Army: Able bodied un-married men between ages of 21 and 35; citi-rens of United States, of good character and perate habits, who can speak, read and write lish. Recruits are specially desired for serv-in Philippines. For information apply to Re-ting Officer, 25 N. Illinois street, Indianapo-

WANTED-FEMALE HELP.

WANTED-Ten women to sell "Happiness at Home." 1,000 of premiums. One with each WANTED-Colored lady, well educated and en rgetic; steady position and good salary. HAR-

BUSINESS CHANCE.

BUSINESS CHANCE-Look out for big auction sale of new goods on Thursday, Dec 20. LEW SHANK.

NOTICE-JOSEPH GARDNER, tin work and furnaces, 29 Kentucky ave. Telephone 222. WANTED-Do not freeze, but keep warm. See Indiana Oll Burner, at 40 East Ohlo street. NOTICE-Look out for big auction furniture sale of new goods on Thursday, Dec. 20. LEV

AUCTION SALE.

AUCTION SALE-Of the entire stock of fine fur ure in storerooms, 127 and 129 East Wash-on street. Sale begins Thursday, Dec. 20, at m., 2 p. m. and 7 p. m., consisting in part ine oak sideboards, oak extension tables, dinchairs, oak and mahogany rockers, parlor cs and odd pieces (in mahogany and oak), ches, Davenports, bed couches, bookcases, cs' desks (in mahogany, oak and bird's-eye), moniecs, dressers, beds (bird's-eye and imitation), stools, Morris chairs, library chairs, office irs, folding beds, lace curtains, portieres, rugs and a large assortment of elegant new goods. Why buy second-hand goods when you can buy new goods at the same price for Christresents. This stock will positively be sold. is an elegant stock, and worthy of your at-n. LEW SHANK, Auctioneer.

MISCELLANEOUS

MISCELLANEOUS-Look out for big auction

WANTED-MISCELLANEOUS.

FREE THIS WEEK-Perfume ic and notions. 4,000 in all. One free every copy of "Happiness at Home," to th every copy of "Happiness at Home," vertise it, Call early, 128 Virginia avenue. WANTED—\$1,250 yearly for manager office job-bing business at Anderson, Ind., handling household har lware specialties; supplying twelve sful salesmen; small cash capital requ ress quickly, L 5, care Journal.

SEALED PROPOSALS.

M. Dep't, Jeffersonville, Ind. a received here until 10 o'clock a. m. (Cen-tandard Time), December 21, 1900, for furng various articles of Quartermaster's Preference given to articles roduction or manufacture - deet or accept any or all proposals or any part duties of accept Information furnished on application. Mr. Ha invelopes containing proposals should be has respected "Proposals for Q. M. Supplies," and adhas respected C. R. BARNETT, Deputy Q. M. Gen. years.

J. W. MITCHELL LOST HIS LIFE

He Tried to Stop a Runaway Team and Was Trampled to Death.

John W. Mitchell, a teamster employed at the Interstate Stockyards, and living at 1104 Kentucky avenue, was killed at the yards about 5 o'clock yesterday afternoon. He was loading dead hogs to be taken to the rendering plant. The wagon used was | ments of stone from the Bedford quarries one of the dump pattern, and while loading the hogs the front end tipped up, and with such force that the front gate was thrown out on to the horses, frightening them and causing them to run away.

Mitchell jumped into the rear end and mbed out on to the tongue to get hold breaking it and throwing Mitchell forward ast. The body was removed to the city | the intention to guard against the manipmorgue, where it was claimed by his father | ulation of tickets by scalpers and others. and other relatives. Mitchell was twentylight years of age, married and the father

An Actor in Trouble. mer Komedy Kompany," has tearned sugh the gentle instruction of Postoffice or an actor who has been buncoed by his manager to retaliate by venting his anger gainst the . fender through the agency of was formed several months ago at Kokomo by Charles Duke. After "barnstorming" and the gas belt for a time the comged scurrilous postal cards and mailed | trol of the Monon. m to Duke. The case was investigated | Inspector Fletcher, who caused Clifford's was bound over to the grand jury.

MAY APPROVE OF POOLING

COMMISSIONERS BELIEVED TO FA-VOR IT UNDER RESTRICTIONS.

The Wabash Will Immediately Build Two New Branches-General and Personal Railway News.

From a source which gives grounds for the statement it is learned that the interbecome satisfied that the pooling arrangement that the railroad managers have so long contended for offers the only plan for making rate maintenance possible. It is even said that the commission would not object to an amendment to the Cullom bill now before Congress which would permit the pooling of business under certain con- a few days before Mr. Jackson's death ditions. Pooling under legitimate condi- speaking of his pleasant relations with the tions would be the idea, it is stated. Remarks dropped at a recent meeting of the railroad presidents in New York by an au- MEETING thorized agent of the Interstate-commerce Commission lead to the belief on the part of the presidents that the Interstate Commission realizes that in spite of watch- | CONDITION OF DE PAUW UNIVERSITY fulness there has not been a time since the ission was created that traffic understandings did not exist between certain lines in certain localities whereby pooling of business was indulged in, and the commission is thought to now realize that

Compliments His Colleagues.

In his address recently before the American Association of General Passenger and Ticket Agents in Buffalo General Passenger Agent Wood, of the Pennsylvania, complimented his colleagues in the following manner: "In spite of many failures after trying experiences we find that the passenger man has made great advances in the matter of treating his parto-day is a great improvement over his prototype of thirty or even twenty years ago. He is more considerate of his brother passenger man and will soon fully justify, if he keeps on, the reference to such an intimate relation. His word is good as gold or such other metal as his political creed approves. His line fences are all down because his garden and orchards are rather than on top of it, for he has become a worker, not always because it was his desire to be one, but because he had to labor to keep up with the procession."

Personal, Local and General Notes. William N. Day has resigned as division assenger and freight agent of the Chicago, Milwaukee & St. Paul at Sioux City. L. B. McKittrick, who has represented the passenger department of the Louisville & Nashville at Chicago, on Jan. 1 goes

Rapids as medical examiner of the Grand Rapids & Indiana road. He was formerly Dr. Wagner's assistant. is officially announced that W. H Marshall, superintendent of motive power of the Lake Shore lines, will continue in

Dr. W. F. Brown on Jan. 1 goes to Grand

to Birmingham, Ala.

the service of that company. Superintendent Hunter, of the Grand Rapids & Indiana, says the introduction of the pension fund system on that road will not affect more than ten men.

Charles Rockwell, traffic manager of the Monon, was yesterday reported improving. but his physician says it will be two or three weeks before he will be about again. Benjamin Crocker, who died in San Francisco a few days ago, was the first purchasing agent of the Southern Pacific, and in his day was prominent in railroad circles. The Cincinnati, Hamilton & Dayton syndicate was one of the bidders for the Cincinnati Northern, but the Vanderbilt's paid more than this syndicate was will-

The Chicago & Eastern Illinois to-day will open for business its new extension to Joppa, it being sixty miles in length, extending from Cypress along the Ohio river

Charles M. Hays, recently elected president of the Southern Pacific Company, will leave next week for San Francisco to assume his new duties on Jan. 1. H. E. Huntington, vice president, will accompany him. The Southern Railway has just completed a new road from Hardeeville to Allendale, S. C. It is fifty-two miles long, has but thank offering movement in some way or two curves in the entire distance, and at other.' no point is the embankment over three feet

Train 8, over the Evansville & Terre Haute road, was on Monday hauled from Evansville to Terre Haute in two hours and twenty-seven minutes, a record-breaking run with a regular train consisting o four cars, one a sleeping car

In the month of November 111 roads earned \$61,763,633, an increase over November, 1899, of \$1,291,612. The first eleven months of the present year the same roads earned \$628,094.533, an increase over the corresponding period of 1899 of \$55,443,742.

The Big Four has received the last o the six big passenger engines ordered a few months ago, and one of them yes-terday completed the round trip between Indianapolis and St. Louis, hauling the heavy fast train No. 12 and making up twenty minutes of time.

Big Four common stock yesterday touched the highest figure since the coman impression prevails that it may yet go to par, so large are the earnings and so valuable are the terminals of the Big Four On Jan. 1. under a new

thirty days only; absolutely secured. Ad- Big Four and the Erie will use the lines of the two roads between Marion and Galion in common, which will give both practically a double track between these two points and prevent delays or a congestion of business. Block signals will be erected that trains may be handled with safety.

Hauman G. Haugan, land commissioner of the Chicago, Milwaukee & St. Paul Company, with headquarters in Milwaukee, has been promoted to the position of controller of the road and will assume his duties on Jan. 1, retaining his former title. Mr. Haugan succeeds E. Q. Sewell, who has resigned, at the age of seventy-three

Col. S. C. Reynolds, a director of the Wabash, who has just returned from New York, states that authority has been given to build two new branches, one connecting Toledo division with the main line at Montpelier and the other a line from Fort Wayne to Elkhart, all obstacles to such undertaking having been removed. Further, it was decided to build a new passenger

station at Toledo. W. H. McDoel, president of the Monor lines, has completed a careful inspection of the several divisions and expresses himself well pleased with the condition of the property, and especially with the improvement in business the last few days. Shipnumber fifty or more carloads per day. Especially was he pleased with the condi-tions on the Indianapolis division and the

business handled by it. The representatives of the passenger departments of the several trunk lines last Saturday held a conference in the office the lines. The team ran about 200 yards, of George W. Boyd, assistant general paswhen the wagon collided with a large post, senger agent of the Pennsylvania, the purpose being to devise plans and formulate under the horses' feet. He was badly cut a report upon a uniform ticket to be used and bruised, and when witnesses to the ac- by lines in the association upon occasions nt reached him he was breathing his attracting a large number of people. It is

> M. J. Carpenter, president of the Chicago & Eastern Illinois, has contributed as a Christmas present \$1,000 to be distributed among employes entitled to such aid by injuries, long service, or on account of advanced years. The committee appointed gave \$100 to eight of the employes, \$75 to two and \$25 to one. President Carpenter every year contributes that sum to needy and worthy employes, a committee of employes deciding to whom the distribution

shall be made. Railway officials at this point are not inclined to believe that the lines running ostal cards sent through the mail. The from the north and the south to the Ohio my of which Clifford was a member | river are ready to break down the wall that the river has maintained as a division line created for the purpose of maintaining arbitrary rates. It has been an unwritten but sany landed in Lebanon the other day, and recognized law that railroads north and torney for the defendants had said in his te is said to have fled to Kokomo, car- south of the Ohio river shall not extend ing with him all of the cash taken in at | to each others territory, hence it is thought boxofilce. Clifford indiscreetly wrote the Southern Railway will not acquire con-

G. D. Bacon, general agent of the pas- | as civilians," said Judge Baker to the jury senger department of the Chicago, Rock afterwards. "We have within the last tore United States Commissioner Moores terday received advices from John Sebassterday, and after a preliminary hearing | tain, general passenger agent of the road, must be enforced." Both of the Rogerses that the proposition of I cent per mile for were acquitted.

the National Encampment, Grand Army of the Republic at Denver, September, 1301 having failed to carry, the Rock Island has served notice of the above rate to be made from all points in the Western Passenger

Association territory. R. B. Turner, general superintendent of the Cincinnati, Hamilton & Dayton, was in the city yesterday, and in commenting on the general car shortage said he was becoming more and more convinced that the only way to get better service out of cars was the adoption of the per diem plan of charging for use of cars when off the line owning them. This would tend to keep every car moving to the best advantage. Yesterday, he said, the C., H. & D., had they the cars, could have loaded

The general managers of the roads comprising the Union Railway Company held their regular monthly meeting yesterday, Wm. G. Cannon acting as secretary. No business except of a routine character was transacted aside from appointing J. A. Barnard, of the Peorla & Eastern, R. B. Turnand M. W. Mansfield, of the Indianapolis & Vincennes, a committee to draft resolutions on the death of Wm. N. Jackson to ing. A letter written to James McCrea. president of the Union Railway Company railway officials, was also read.

CONSIDERED.

Built-Trustees of the Franklin College Also Meet.

The semi-annual meeting of the trustees of De Pauw University, held at the Bates House yesterday, was a comparatively and had completed their business by about ticular part of the great transportation | 5:30. Eighteen of the trustees were present, versity. Dr. Hickman reported that the present number of students in attendance is about six hundred.

The chancellor also reported that \$70,000 in endowments have been promised the inful of the future success in a financial way and expressed the belief that this sum will be more than doubled by next July. It was announced by one of the trustees, after the shape that its income covers all its current to build two new laboratories and to make other improvements which will include the reconstruction of some of the old buildings.

The new laboratories are to be under the same building. One is to be a chemical and the other a physical laboratory. The chancellor reported that a gift of \$25,000 is emmittee was appointed to select plans for the building, which will cost between \$40,000 and \$50,000. This committee is composed of Chancellor Hickman, A. L. Moore, William Newkirk, Robert O'Hair, Dr. Phillip Baker, President Gobin and J. S. Talley.

"We are much encouraged over twentieth century thank offering." said Dr. W. H. Hickman last night. "The 200,000 Methodists in Indiana are asked to give \$500,000 as a thank offering to the permanent endowment of De Pauw University. It now looks like we will get that much and more by Jan. 1, 1903, the time set by the General Conference for the limit to expire. The nineteen districts of the State are organized for a popular gift. The purpose was to average about \$7 a member, to be distributed between the permanent fund of the preachers' aid societies, hospitals, new church enterprises and the endowment fund of our schools. The twentieth century thank offering movement originated in England with the Wesleyan Methodists. About two years ago they started out to raise a guinea per member as a thank offering for the endowment of their schools. missions and hospital work. The Canadian Methodists took it up next, then the Methodist people of this country. All the great minations are now engaged in this

Franklin College Directors.

The business transacted by the board of directors of Franklin College, at their meeting, at the Hotel English, yesterday, was purely of a routine nature. There was a report from President Stott in which he said the attendance this fall was larger by twenty than the attendance last fall. He spoke of the formation of a new literary society among the students, one of the conditions of membership being a high standard in class work. The reports of the treasurer and secretary were satisfactory.

The Zueblin Stereopticon Lectures. The Zueblin university extension lectures ject "American Municipal Progress" is a so actively advancing along the various Professor Zueblin. Last winter he had the subject, "British Municipal Progress." He has since prepared slides and other details showing the advancement and methods of Boston, New York, Baltimore, Washington and Chicago and other cities in the United States on transportation, sewerage, street cleaning, public recreations, public buildings, parks, schools, etc. Business men are buying tickets for this

course here. Through the accuracy of stereopticon illustrations no one can fail to gather valuable information as to methods of municipal progress. The questions of grade crossings and elevation of tracks, etc., are to be taken up in the first lecture on "Transportation," occurring on Jan. 7 at 8 p. m. at the Manual Training High School auditorium. The tickets for six lectures are transferable and are now on sale at the Big Four ticket office and at Sloan's drug store. The auditorium of the Manual Training High School is a fine modern hall with but a comfortable seating capacity for lectures. It is not intended to oversell for this hall,

The school is easy of access. Why Action Was Withheld.

Robert Martindale, a local insurance agent, was largely responsible for the action of the finance committee of the City Council Monday night in returning the bend ordinance for the improvement of the fire department to the city controller with a recommendation that the in surance companies file a schedule of the rates on which the local inspection bureau is working before final action is taken Mr. Martindale says the governing committee of the Western Insurance Union decided at its meeting in Chicago last summer to not increase the Indianapolis rates providing the Council voted to improve the fire department. Now it is understood the insurance companies will increase the rates, and Mr. Martindale believes that if action is delayed by the Council the insurance men may decide to rescind all action pertaining to raising the rates. is said an Indianapolis insurance man is now in Chicago to confer with the governing committee on the Indianapolis

Referred to Lynch Law. Federal Judge Baker is an uncompromischarged with assaulting the postmaster of Eoggstown while that official was carrying in his hand a special delivery letter. The atplea to the jury that Clay Rogers was rendered a cripple for life by a wound received in the Spanish-American war. "Soldiers must be required to obey the laws as well twenty-four hours had in this State an excellent illustration that the laws of the land

TIGHTER ABOUT MALLADY

TESTIMONY OF THE STATE FIN-ISHED IN THE MURDER TRIAL.

Point Scored Against the Defense in the Exclusion of Evidence -Other Court Cases.

The State finished its testimony in the Mallady murder trial at 2 o'clock yesterday afternoon and the defense immediately began putting witnesses on the stand in an effort to prove an alibi. In his statement er, of the Cincinnati, Hamilton & Dayton, to the jury Pauper Attorney Hines, for the defense, said their testimony would show that two men were seen with Mrs. Wilbe presented at the next monthly meet- helm west of White river bridge between 10 and 11 o'clock on the night of Oct. 24, more than two hours after state witnesses said Mallady was seen with the woman and an hour later than the time he entered the house on Michigan street where he cleaned mud off of his shoes and clothes.

Tillie Osborn, who lives near the west side of the bridge, was the first witness for the defense. She testified to having seen a tall and short man and a woman standing near the bridge about 10 o'clock. She identified one of the men as Mallady. She also said she heard screams coming from the bottoms afterward.

Barnard Osborn, Tillie Osborn's husband, and Sarah Clark, who also lives in the vicinity, corroborated Mrs. Osborn's story with the exception of identifying any of

Earl Groff, A. F. Groff and Henry Weevy, neighbors of the Wilhelms, were placed on the stand to testify as to the family relations in the Wilhelm home. Each was asked if he ever heard John Wilhelm and short session. The trustees met at 2 o'clock his wife quarrel and if he had heard Wilhelm threaten to kill Mrs. Wilhelm. Prosecutor Ruckelshaus objected to the witquestion, and that the passenger man of besides eight "visitors," representing the nesses answering these questions and was Indiana conferences. William Newkirk, of sustained in his objection by Judge Alford. Connersville, president of the board, pre- Attorney Hendricks had the court stenogsided. President Gobin, of the university, rapher insert his exception to the judge's was present and made a report in which he | ruling. Weevy was also asked if he could dealt with the general discipline of the in- testify to Wilhelm having been in the Institution. There was also a report from sane Hospital a short time before Mrs. Pr. W. H. Hickman, chancellor of the uni- Wilhelm was murdered, to which Judge exception was taken. The exclusion of this disadvantage, as they had relied upon evidence against Wilhelm showing that he had frequently threatened his wife as being

strongly in Mallady's favor. WILHELM ON THE STAND. The defense then placed John Wilhelm, nusband of the murdered woman, on the stand. He said he had been with Mallady during the forenoon preceding the night of the murder. He said they drank beer to-

"On the forenoon of the 24th day of Octoer were you not with Mallady, and did promised to help erect this building, and a corner of Georgia and Pennsylvania streets and sell it and tell Mallady that you knew where you could get more barrels?" asked Attorney Hendricks. "No, sir, I did not," replied Wilhelm.

bought a barrel of a negro for 25 cents and sold it for 40 cents." "I will ask if you and Mallady did not return to the corner of Georgia and Pennsylvania streets and get two more barrels and sell them after you had sold the first

"I will ask you if you did not return in he afternoon and get three more barrels?"

"I will ask you if you did not go back again in the afternoon for more barrels and the proprietor of the place ran you away and Mallady stayed? "No, sir, I did not. All the barrel I had

vas the one I bought from the negro." "Did you give Mallady any of the money ou got for the barrel? "I kept a quarter and gave him 15 cents." "And you did not get three barrels and ell them for 75 cents to a commission louse on Maryland street?"

"No, I only had one barrel." The witness was then dismissed and court adjourned, the defense not having any

AGAINST MALLADY.

The State's witnesses yesterday gave strong evidence against Mallady. Anna Cook, who was in the road house when Mallady entered on the night of the murder, was the first on the stand in the morning. She testified to Mallady having entered the place about 9 o'clock on the night of the murder and that his shoes and dence of Katie Heier, who was on the to have fallen from a street car and rolled lown the embankment at White river. Robert Arnold, bartender at the roadoffered me \$1 if I would lodge him for the offered me \$2. Then Mallady remarked: 'If old Bill was arrested to-morrow, you | C. C. Brief of appellant stone company (8.) great success among business men and their | would not bring him a chew of tobacco. When he left he told us it was probably the last time we would see him there." The defense attempted to show that Mallady had often been in jail, and being drunk at the time, was not responsible for

what he said. Judge Alford excluded the defense's testimony.

IDENTIFIED MALLADY. J. F. Sterling, conductor on a West Michigan-street car, recognized Mallady as his lone passenger on his 11:40 car on the night Mrs. Wilhelm was killed. He said Mallady boarded his car at the west end of the bridge and got off at West street. He was positive Mallady did not fall off his car. Attorney Hendricks showed that Mallady was on the car after he had been in the road house.

William Lewis, restaurant keeper on West Washington street, and John Sharkey, 312 West Washington street, testified to Mallady being in the restaurant and eating a midnight runch. They said he was intoxicated and told Patrolmen Johnson and Mullen not to arrest him as he "only had a small 'load of peaches' on." Sharkey said he heard Mallady mutter "Well, the

fire's out. Mrs. Oehler, Mallady's landlady, is and not able to be in court, but the attorneys agreed that he did not get in until 1

Columbus Perry, Moses Alderson and Bi-cycle Policemen Schroeder and Hauser testified to finding the body. Perry said the body was half naked and that there were finger marks on the woman's throat. The officers said the pocket of her dress was found fifty feet from where the body was lying, and that the burrs in Mrs. Wilhelm's hair corresponded to those found on Mallady's trousers. There is every assurance that the case will reach the jury not later than to-mor-

te get a verdict for capital punishment. COUNTY SEAT CASE.

row noon and it may be finished by to-

night. An effort is being made by the State

Effect of Supreme Court Decision-The Quail Law. The Supreme Court yesterday rendered

an opinion in the Jackson county seat case

which will in effect keep the county seat at Brownstown for the present. The lower court ordered an election to be held, as provided by the act of 1895, to determine whether the county seat should be removed from Brownstown to Seymour, but the Supreme Court reversed this decision, hold-The unconstitutional provision in the law. the court held, was that which provided that taxes should be levied in the township where Seymour is situated to pay for the new courthouse and jail. Judge Baker, who wrote the opinion of the court, said that the new buildings would not be a local improvement, nor the taxes levied an ssment of benefits within the rule by

which local assessments are permitted to build streets, turnpikes and public drains. The court also held that the law violated the provision of the Constitution which demands uniformity of taxation. Judge Jordan dissented from the majority opinion

of the court. The Supreme Court also affirmed the judgment in the case of William H. Smith. vs. the State of Indiana, holding in effect, that anyone who has quails in his possession during the "closed season" is liable to a fine, without regard to when the game was killed, or when he obtained possession of it, and the game law on that subject is constitutional. Smith is a restaurant keeper in this city, and was arrested for having quail in his possession on the 5th of last February. He alleged in defense that he had purchased the quails on the 30th of December and had kept them in his ice box until the day he was arrested. The lower court found him guilty, notwithstanding his plea and he appealed to the Supreme Court.

A VERDICT FOR \$5,000.

Albert H. Edwards Wins His Suit Against Carl F. Roloff. The jury in the case of Albert H. Edwards against Carl F. Roloff for \$5,000 damages, in Judge McMaster's court, yesterday, returned a verdict for the full amount. Roloff is manager of a beer garden at 321 West Maryland street, and Edwards alleged that, on July 5, Roloff enticed his daughter, Goldie M. Edwards, sixteen years old, into the resort and gave her iquor until she became intoxicated. After accomplishing his purpose Edwards avers that his daughter was induced to visit Roloff on different occasions until Sept. 15,

A Suit for Alleged Slander.

out but a few minutes.

when she was arrested and sentenced to the

workhouse for fourteen days. The jury was

The suit of Charles H. McCarty against Louis A. Kinsey for damages for alleged slander went to trial in Judge McMaster's court yesterday afternoon, having been venued from Judge Allen's court. Kinsey is a grain broker in the Commercial Club building and McCarty alleges that, in 1894, Kinsey ordered him out of the building and called him vile names. Kinsey says Mc-Carty lost money he invested and came to him making unjust demands. In the argument which followed Kinsey became angry and admits having ordered him out of his place and called him names, but says the man's conduct led up to it. McCarty brought suit against Kinsey for assault and battery, which was decided in favor of the defendant. Later he brought suit for damages for alleged slander.

THE COURT RECORD.

SUPREME COURT. Crim. C. Affirmed. Hadley, J .-- 1. American to acquire property in it; all the right he possesses or can possess in this respect is granted him by the State. 3. In granting the privilege of reducing quail to possession, with proprietary right, it is competent for the State to prescribe conditions of enjoyment as are deemed reasonable and necessary to protect the con non interest. And the crtizen, when he accepts the State's grant, accepts it impress with all the restrictions and limitations laid upon it, and when he acquires property under such license he does so with full notice of his qualified right, and so, if he loses that which he has taken, or held possession of, upon forodden terms, he has lost nothing that belonged to him, and there has been no taking of property without due process of law or without just compensation. 4. This court must assume that the Legislature rightfully apprehended the meaning of the words employed by them in enal statute; and in the absence of some fact relating to the subject matter legislated upon or other provisions of the act inconsistent with the ordinary meaning of the language used, we that which is usually conveyed by the words. 5. Section 2209, R. S., 1894, which forbids any person having in his possession quall during the period from the first day of January to the tenth day of November is not unconstitutional and forbids the possession of quail during such period notwithstanding they come into a pos-

18736. Mott vs. Fiske. White C. C. Affirmed Monks, J .- 1. A court of equity will have regard to the real nature of the transaction, and, although a deed be absolute in form, if, ir fact, t was received as security for the repayment of money, it will be treated as a mortgage and evidence written or oral will be received to show the facts. 2. A finding that a grantee had no knowledge of the execution of a deed but that "he took said deed as security for said indebtedness" shows that the grantee had no knowledge of the signing and acknowledgment of the instrument, but when received accepted the same as security for an indebted-

rel. Shields. Monroe C. C. Reversed. Baker, J.-1. The Legislature, by a general law in reference to the business and duties of counties division of the State to enact and maintain county. 2. A right or duty of any township or any county as a governmental subdivision cannot be created by special law. 3. A tax for a State, county or township purpose cannot be imposed or authorized under a special law. 3. A tax for county purposes must be uniform and equal throughout the county. 18425. Chicago & Erie Railroad Company vs Thomas. Huntington C. C. Rehearing granted. 18823. Clements vs. Davis. Montgomery C. C. Petition for rehearing overruled. 19440. Jackson vs. Saylor. Lake C. C. Motion

to dismiss overruled. 19424. The Colliery Engineer Company vs. The American Car and Foundry Company et al. house, told the same story as Mrs. Cook.
He said Mallady gave him money for brushing his coat. He also stated that Mallady wanted some silver money changed into paper money. Relating to Mallady's action at the road house, with Mallady's actio ness said: "He was somewhat nervous, and Noblesville Monthly Meeting of the Friends' Church. Hamilton C. C. Additional copies appellee's brief (3.) 19454. Chicago, Indianapolis & Louisville Rail-way Company vs. Marilda A. Martin. Greene APPELLATE COURT.

3327. Heritage vs. Bronnenberg. Madison S. C. Reversed Robinson, J.-The mere fact that a county is owing an individual will not entitle the latter to recover in an ordinary action at law against the county treasurer alone. 3323. Oldenburg vs. Baird. Floyd C. C. Affirmed. Comstock, J.-Where a person engaged in business becomes sick and places her son in charge of the business with an agreement from him that in case of her death such business should become the property of such son upon the express condition that a certain creditor of the proprietor be paid, such agreement is one which the creditor may enforce in an action at law.

3267. Advance, Etc., Co. vs. Auch. Marion S. C. Affirmed. Wiley, J.-1. After several appellants have appealed and all assigned joint errors and filed joint briefs it is too late for some of them to say they decline to join in the appeal with a co-appellant 2. A joint assignment of error must be good as to all the appellants who join therein or it will not be good as to either. 3082. Baltes, Etc., Co. vs. Sutton. Blackford Petition for rehearing overruled. 2574. Coster vs. Buller. Grant C. C. Publication ordered and issued 3611. Reynolds vs. Pierson. Marion S.

Publication ordered and issued.

3544. South Chicago Street-railway Company vs. Charles Zerler. Laporte C. C. Appellant's 3591. Elizabeth Davis et al. vs. George P Chase. White C. C. Appellants' brief and argument (5.) 3062. The Midland Steel Company et al. vs. The Citizens' National Bank. Henry C. C. Additional citation of authorities.

3601. The City of Logansport vs. Katle Kihm White C. C. Notice attorney of record served. Affidavit nonresidence. 3489. The Fidelity and Casualty Company New York vs. Joseph M. Thurston. Wayne C. Appellee's application for extension of time, 3387. Jonas M. Latman vs. Jule C. Pepin. Lake C. C. Appellee's brief. 2542, Frank N. Gilchrist vs. Edward F. Claypool. Marion S. C. Appellee's brief. 3555. Western Union Telegraph Company vs. Mary E. Adams et al. Monroe C. C. Appellees' special appearance and brief on motion to

SUPERIOR COURT. Room 1-John L. McMaster, Judge. Catherine Dantzer vs. Frank Miller; foreclos-ure. Finding for plaintiff in the sum of \$388.88 Burney & Jackson vs. The Frick Company; Jury returned verdict for defendant. Edwards vs. Carl Roloff; damage Jury returned verdict for plaintiff and assess his damages at \$5,000.

amend. Appellees' motion to dismiss.

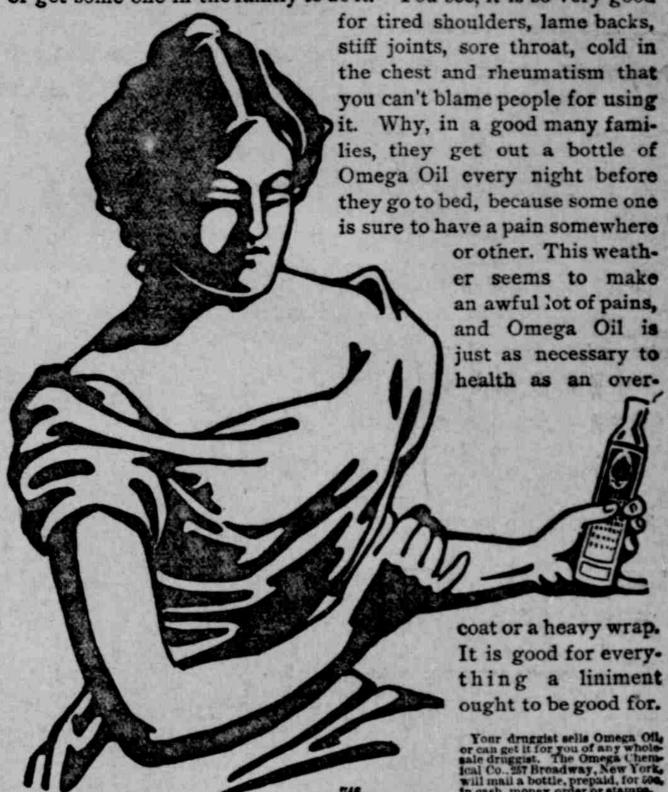
Room 2-James M. Leathers, Judge. Carrie Easley vs. Hiram P. Wasson; damges. On trial by jury. Catherine E. Campbell vs. C., C., C. & St. Railway Company et al.; damages, Finding and judgment against defendant for \$1,500 and Room 3-Vinson Carter, Judge. G. Adolph Wurgler vs. Jacob A. Emrich et al.; ppeal. Jury returns verdict for plaintiff for

Henry Cley Allen, Judge. Charles W. Smith, John R. Wilson and Edward Daniels appointed committee to examine applicants for admission to bar. Anthony H. Harting vs. Henry Harting's Estate; claim. Settled by agreement. Dismissed at costs of estate.

Nellie M. Haven vs. Helen J. Tate's Estate;

Nellie Submitted to court. Evidence heard.

FOR WOMEN-You would be surprised like everything if you knew how many women use Omega Oil, the wonderful liniment that stops pain. Some of these women are away up in society, too, and have their maids rub the oil on them. Poor people, who can't afford maids, either rub themselves with Omega Oil, or get some one in the family to do it. You see, it is so very good



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100 People in Cast, headed by HARRY CLAY BLANEY. YOU WILL ENJOY the big Transport Scene, City of Peking, Departing for Manila, Block-House Scene, introducit a real Gatling Gun. The greatest battle scene ever produced.

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GRAND-Fashionable Vaudeville. THE GIRL WITH THE AUBURN HAIR' Murray and Lane. Mr. and Mrs. Perkins Fisher, Three Poriers, Baby Lund, Flatt and Suther-land, George Stewart, Frank Urban and others. Matinees every day, 25c and 15c.

EMPIRE THEATER Wabash and Delaware streets. ONE WEEK, Commencing Monday, Dec. 17. Matinee Daily .- tvery Night.

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on contract. Trial resumed. Additional ev NEW SUITS FILED. Johanne M. Jorgensen vs. Carl L. Jorgensen; divorce. Superior Court, Room 3. Sanford P. Hamlin vs. Henry M. Johnson; on Superior Court, Room Sanford P. Hamlin vs. Caleb R. Johnson; dgment. Superior Court, Room Sanford P. Hamlin vs. Caleb R. Johnson: Superior Court, Room 3. Mary E. Ray vs. Daniel Ray; divorce. perior Court, Room 1. Central Bond Company vs. Mary A. Krug al.; on note, and mortgage foreclosure. Superior Edgar N. Browning vs. Bertha Browning; Circuit Court. Eva Newcom vs. Thomas E. Newcom; divorce. Superior Court, Room 2.

John M. Pruitt vs. John Born et al.; me chanic's lien. Superior Court, Room 2. Richard Spaulding vs. Emma Spaulding: vorce. Superior Court. Room 1. Maggie Brown vs. Brayeton T. Brown et Support. Superior Court, Room 3. Sanford P. Hamlin vs. Caleb R. Johnson: judgment. Superior Court, Room 1.

New Associations. The following articles of incorporation

were filed yesterday: The Northwestern Ranching Company: home office, Indianapolis; capital stock, \$250,000; directors, P. H. Fitzgerald, E. A. Peck, Maurice Donnelly, Augustine Boice and D. Sommers. The company transact business in Missouri, North Dakota, Montana and other places.

The Midcontinent Publishing Company of Indianapolis; capital stock, \$20,000; directors, W. S. Haggard, John W. Ryckman and Jesse L. Haggard. The Marion Manufacturers' Gas and Oil Company, of Marion; capital stock, \$3,-000: directors, M. L. Case, John C. Schmidt and Philip Matter. LEGAL ADVERTISEMENTS.

BANKRUPT SALE OF REAL ESTATE. Notice is hereby given that the undersigned will, at 10 o'clock in the forenoon on the 27th day of December, 1900, at the south dcor of the Marion County Courthouse, in the city of Indianapolis, Ind., offer for sale at public auction the following real estate in said city and county, to wit: Lot twenty-three (23) in Square five (5) of the first section of Lincoln Park, an addition to the city of Indianapolis, Marion county, Indiana.

Lot eighty-two (82) in Ruddell & Vinton's Park Place addition to the city of Indianapolis, Marion county, Indiana.

Lot forty-nine (49) in Woodruff Place, an addition in Marion county, Indiana, as appears from plat thereof recorded in Plat Book four, Page 234, in the office of the recorder of Marion county, Indiana.

Lot one hundred and fifty-five (155) in Woodruff Place, an addition in Marion county, Indiana, as appears from plat thereof recorded in
Plat Book four, Page 234, in the office of the
recorder of Marion county, Indiana.

Lot one hundred and twenty-four (124) in Noble's subdivision of the western are to Challenge. ble's subdivision of the western part of Outlots 45, 50, 55, 56 and 61, in the city of Indianapolis Marion county, Indiana, as the same appears from plat thereof recorded in Plat Book one, Page 31, in the office of the recorder of Marion

County, Indiana.

Lot lettered "L," in McGilliard, Carpenter & Field's Brightwood addition, in Marion county, Indiana, as the same appears from plat thereof recorded in Plat Book seven, Page 88, in the office of the recorder of Marion county,

Indiana.

Also the following real estate in Marion county, Indiana: Beginning at the northeast corner of Lot "L," in McGilliard, Carpenter & Field's addition to Brightwood, as recorded in Plat Book seven, Page 88, of the recorder's office of Marion county, Indiana, running north to the intersection of Brightwood avenue and Fail Creek gravel road; thence west to the east line of Lot "A," in McGilliard, Carpenter & Field's addition to Brightwood; thence south to the northwest corner of said Lot "L;" thence 378 feet and 2 inches on the north line of Lot "L" to a point; thence southeast on line of Lot "L" 500 feet and 3 inches to the place of beginning, containing fifteen acres. containing fifteen acres. For cash, subject to all liens for taxes and assessments, and all liens of whatsoever kind, except said sale shall be made free and discharged from the lien of a cortain mortgage upon part of said real estate, executed to the Central Trust Company, of Indianapolis, Ind. and recorded in Mortgage Rec. d 377, Page 275 in the office of the recorder of Marion county in the office of the recorder of Marion county, Indiana, and said properties will also be sold free and discharged from the lien (if any lien is created thereby) of a certain judgment recovered in the Marion Superior Court, in Cause No. 58318, and also free from any claim of lies by reason of a certain other judgment recovered in the Marion Superior Court, in Cause No. 60378. The sale of said Lot 23, in Squire 5, of the first section of Lincoln Park, will particularly be sold subject to the lien of a certain mortgage, executed March 21, 1893, for \$1,200 and interest, and recorded in Mortgage Record 358, Page 518, in the recorder's office of Marion county, Indiana, which said sales are made pursuant to the order of the United States District Court for the district of Indiana, sitting in bankrupcy, and such sales will be made subject to the approval of said court.

All further information regarding said property will be given by the undersigned upon request.

arvey. Pickens, Cox & Kahn, Attorney

Signed) UNION TRUST COMPANY, of Indianapolis, Ind., as Trustee in Bankrupter for William F. Buschmann and August W. Buschmann, Bankrupts.